

// A special meeting of the Council of the City of Lynchburg, recessed from February 8, was held on the 22nd day of February, 2005, at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// Mr. Gary Christie, the new Executive Director of the Region 2000 Regional Commission, shared his outlook regarding the activities of the Commission, which included working with the Region 2000 Economic Development Partnership and other regional agencies to establish more effective service delivery programs. Mr. Christie stated that since a new name would help better identify the new partnership of agencies, on January 20 the Regional Commission voted to change the name to "Virginia's Region 2000 Partnership – Regional Council." Mr. Christie went on to say that the name change will require an amendment to the Commission's Charter, and that following the March 18 comment period, each locality will be asked to approve the Charter amendment.

// Ms. Julie Passmore, President, Lynchburg Humane Society, along with Shelley Stone, Regional Director, Spay Virginia South Central Region, presented an overview of information contained in a report entitled "Cat Overpopulation and Stray Management Proposal", as previously furnished to City Council. Ms. Passmore explained that the three-pronged approach, along with a comprehensive public education campaign in conjunction with a low cost spay/neuter clinic and a managed Trap-Neuter-Vaccinate-Return (TNVR) program, would result in a significant reduction in Lynchburg's stray cat and companion animal related conflicts within three years. Following the presentation, City Council indicated that the cost of the three-year proposal, i.e., a one-time \$20,000 contribution towards a spay/neuter clinic and \$37,000 recurring costs for three years, would be considered during the upcoming budget process.

// Community Market Task Force members Kay Frazier, Parks & Recreation Director, and Charles Grant, Public Works Engineering Construction Manager, presented an overview of information contained in a report entitled "Community Market Task Force Recommendations, February 2005", as previously furnished to City Council. Ms. Frazier explained that the Task Force discussed in detail many aspects of the Community Market, which included management, design, infrastructure and merchandising, and they are now seeking approval from City Council to move forward with the recommendations. In response to questioning, Ms. Frazier explained that \$150,000 is included in the FY2006 Capital Improvements Program for design, architectural and engineering services for the Market Parking Deck renovation, and \$100,000 for design, architectural and engineering services for the Community Market Interior Renovation. Following discussion, City Council agreed that the Task Force is moving in the right direction with regard to the Community Market.

// City Manager Kimball Payne informed that at the February 8 meeting City Council requested that the petition of Laird Lynchburg, LLC, to rezone approximately 2.2 acres in the 2400 Block of Langhorne Road to allow the construction of a Walgreens pharmacy be placed on the work session agenda. Mr. Payne went on to say that staff has not received any new information from the petitioner regarding the request. Ms. Robin Askew of Laird Development along with her attorney, Ted Craddock, presented a brief overview regarding the status of the project, stating that the current option on the property expires on February 28, 2005. Ms. Askew also distributed a copy of an October 6 response to City Planner Tom Martin agreeing to a majority of the recommended changes to the proposed site plan, in addition to a written proposal from Schaefer Oglesby delineating certain items that he has agreed to with regard to the development and upgrade of the remainder of the property. Ms. Askew also stated that Laird Development will donate \$10,000 toward the Mid-Town Area Plan if the rezoning is approved at this time. Council Member Helgeson reiterated his support of the project, and stated that the proffers submitted by Mr. Oglesby in addition to the \$10,000 donation to the Mid-Town Area Plan were a welcomed addition. In response to questioning from Council Member Gillette, Ms. Askew stated that there have been no substantial changes to the current site plan from the site plan presented in October. Council Member Gillette questioned why City Council should again be discussing the rezoning request since there have been no changes to the site plan submitted in October. City Manager Payne explained that in October City Council did not discuss the rezoning request following the denial of the amendment to the Comprehensive Plan. Other Council Members stated that they would still like to wait until the Mid-Town Area Plan is completed before making a decision regarding the rezoning request. City Manager Payne stated that staff should have a draft of the plan sometime in May. In response to Council questioning, Ms. Askew stated that Walgreens could wait for the study, but Mr. Oglesby stated that he was unsure if the other property owners would be willing to wait. In response to Council questioning, City Attorney Walter Erwin stated that prior to considering the rezoning request, City Council would need to rescind its earlier decision denying the amendment to the Comprehensive Plan. Council Member Dodson made a motion to rescind the October 12 decision and to reconsider an amendment to the Comprehensive Plan for approximately 2.2 acres in the 2400 block of Langhorne Road from Medium Density Residential to Community Commercial. Mr. Erwin explained that unless there has been previous notice regarding the motion to rescind, it would take five votes to approve the motion to rescind. Council Member Dodson stated that he intended to make a motion at City Council's 5:00 p.m. meeting to rescind the October 12, 2004, vote denying an amendment to the Comprehensive Plan to change a 2.2 acre tract of land in the 2400 block of Langhorne Road from a Medium Density Residential Use to a Community Commercial Use.

// Utilities Director Tim Mitchell presented an overview regarding the February 2005 Water and Sewer Rate Study, noting that the proposed rate adjustments would result in composite monthly water and sewer bill increases of approximately 4% for most customers. Mr. Mitchell informed that a public hearing regarding the water and sewer rate increases would be held at the March 8 meeting.

// Commissioner of the Revenue Mitch Nuckles along with Financial Services Director Mike Hill again presented a proposal to increase the gross income limitation for eligibility to receive real estate tax relief through the Tax Relief for the Elderly and Permanently Disabled Program from \$27,000 to \$30,000. Some Council Members expressed concern that increasing the gross income limits would mean that there would be less relief for those individuals with the lowest income and net worth.

// City Council discussed whether to establish an interview process for candidates seeking to serve on the Lynchburg School Board, and agreed to continue the discussion to the March work session.

// During roll call, Council Member Dodson inquired regarding the lack of a "Welcome to Lynchburg" sign at the U. S. Route 460 entrance to the City. In response to Vice Mayor Foster's inquiry, City Manager Kimball Payne stated that the way to address gang activity is through law enforcement, and that the City is using the Healthy Neighborhoods Initiative in addition to other efforts such as the regular meetings of the Criminal Justice Group to build leadership capacity in neighborhoods. City Manager Payne inquired regarding formal staff presentations during the upcoming budget work sessions, and the majority of Council Members indicated that formal presentations were not needed, but that staff should be present to respond to questions.

// The meeting was adjourned at 4:45 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of February, 2005, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 8 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-05-015 amending the FY 2005 City/Federal/State Aid Projects Fund budget and appropriating \$40,000, with \$20,000 reimbursement, to upgrade four (4) Zoll "M" Series bi-phasic manual monitor/defibrillators, laid over from the February 8, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, Resolution #R-05-016 amending the FY 2005 General Fund Budget and appropriating \$95,300 to replace the current personal property tax system, laid over from the February 8, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-05-017 amending the FY 2005 City Capital Projects Fund budget and appropriating \$297,530, fully reimbursable, to replace traffic signals on Langhorne Road at Murrell Road and Memorial Avenue, laid over from the February 8, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Property, Resolution #R-05-021 approving the sale of City-owned real property at 1201 Fifth Street to the Lynchburg Neighborhood Development Foundation for \$2,500, laid over from the February 8, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - Bonds, Resolution #R-05-023 amending the FY 2005 General, School, Water, Sewer, Airport, Detention, E-911, and Solid Waste Management Fund budgets and appropriating \$135,000 for expenses associated with the issuance of the FY 2005 General Obligation Public Improvement Refunding Bonds, laid over from the February 8, 2005 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Police - General, City Council Report #7 was considered. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-025, as presented, amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$3,000, fully reimbursable, for the purchase of traffic equipment to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of City Council, Barbara Salsbury addressed the need for public transportation to the future Wards Crossing West Shopping Center for people with disabilities and non-driving citizens. Mr. Walter Sabin, reading a prepared statement from Dr. Ron Jarvis, spoke in support of a regional transportation system, continued installation of sidewalk curb cuts to assist people with disabilities, and the installation of traffic signals with audio for the visually impaired.

// In the matter of Community Planning - General, City Council Report #9 regarding the petition of Compson Development to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance was considered. Mayor Hutcherson stated that he plans to abstain. City Manager Kimball Payne stated that the information requested at the February 8 meeting has been provided to City Council and that staff is present to answer questions. In response to questioning, City Planner Tom Martin stated that the revised site plan shows the service road extending to the southwestern boundary of the development, with the main entrance at the signalized intersection across from the existing "Target" entrance and a secondary entrance across from Logan's Roadhouse. Mr. Martin noted that the City has received a written commitment from Campbell County to require property owners that commercially develop adjacent to U. S. Route 460 in this area to construct and continue the road to complete a through road from Wards Ferry Road to Airport Road and/or Leesville Road. Some Council Members stated that once the service road is extended to provide the additional ingress/egress to the shopping center, that it will help to alleviate some of the traffic concerns expressed by the adjoining neighborhoods, and that since the developers have stated that the shopping center will be built, that the signalized entrance to the shopping center would be preferable to an entrance without one. Other Council Members expressed concern that there is only one main ingress/egress to a shopping center that has 1,100 parking spaces

and that since there is no timeline for extending the service road to Airport/Leesville Road to provide for an additional ingress/egress, that traffic will still be a concern in this area and in the adjoining neighborhoods. Following discussion, Council Member Dodson made a motion, seconded by Council Member Gillette, to approve the petition of Compson Development to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance, and Council by the following recorded vote denied the petition:

Ayes: Dodson, Gillette, Johnson,	3
Noes: Foster, Helgeson, Seiffert	3
Abstention: Hutcherson	1

// In the matter of Region 2000, City Council Report #10 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-026, as presented, supporting a State Transportation Planning Grant for Region 2000:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of City Code, City Council Report #11 regarding a change to the Tax Relief Program for the Elderly and Permanently Disabled was considered. Commissioner of the Revenue Mitch Nuckles provided a brief overview regarding the proposed change to increase the gross income limitation for eligibility to receive real estate tax relief from \$27,000 to \$30,000. Some Council Members expressed concern that increasing the gross income limits would mean that there would be less relief for those individuals with the lowest income and net worth. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-05-027, as presented, amending and reenacting Section 36-175(3) of the City Code relating to Real Estate Tax Relief for the Elderly and Disabled Persons:

Ayes: Dodson, Foster, Johnson, Hutcherson	4
Noes: Gillette, Helgeson, Seiffert	3

// Mayor Hutcherson announced that Dr. Paul McKendrick has been appointed Superintendent of the Lynchburg City Schools.

// In an item not on the agenda, and as previously announced at the 1:00 p.m. work session, Council Member Dodson made a motion to rescind the October 12, 2004, vote denying an amendment to the Comprehensive Plan to change a 2.2 acre tract of land in the 2400 block of Langhorne Road from a Medium Density Residential Use to a Community Commercial Use. The motion was seconded by Council Member Helgeson. In response to questioning, City Attorney Walter Erwin stated that since Council Member Dodson made an announcement of his intent to make the motion at the earlier work session, only four votes would be needed to approve the motion to rescind. The vote was called on the motion, and Council by the following recorded vote agreed to rescind the October 12, 2004, vote denying an amendment to the Comprehensive Plan to change a 2.2 acre tract of land in the 2400 block of Langhorne Road from a Medium Density Residential Use to a Community Commercial Use:

Ayes: Dodson, Helgeson, Johnson, Hutcherson	4
Noes: Foster, Gillette, Seiffert	3

Council Member Helgeson asked that City Council move forward and approve the amendment to the Comprehensive Plan in addition to the rezoning request from Laird Lynchburg, LLC, to allow the construction of a Walgreens pharmacy. Council Member Helgeson reiterated that the 2.2 acres under consideration is located in a business corridor and would bring needed revenue and jobs to the City. Council Member Helgeson went on to say that the entire project might be in jeopardy if the developer is not able to extend the option on the property pass the February 28 deadline. Other Council Members commented that Ms. Askew stated at the work session that Walgreens could wait for the study, and, so, therefore, they would also like to wait until the Mid-Town Area Plan is completed before making a decision regarding the rezoning request. Following discussion, Council Member Helgeson made a motion, seconded by Council Member Dodson, to amend the Comprehensive Plan for approximately 2.2 acres in the 2400 block of Langhorne Road from Medium Density Residential to Community Commercial. Council Member Johnson made a substitute motion to postpone the request to amend the Comprehensive Plan for approximately 2.2 acres in the 2400 block of Langhorne Road from Medium Density Residential to Community Commercial until the Mid-Town Area Plan is completed, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson	6
Noes: Helgeson	1

// On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Appointments, and on nomination of Mayor Hutcherson, Council by the following recorded vote appointed Jones Stanley to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 6:22 p.m. to March 8, 3:00 p.m., to conduct a work session regarding the FY2006 Budget.

Clerk of Council